

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

WILLIAM MAUDE,
Plaintiff,

v.

CITY OF PHILADELPHIA,
Defendant.

: CIVIL ACTION
:
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: No.: 18-cv-4080
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:
:

ORDER

AND NOW, this 15TH day of December, 2020, upon consideration of Defendant's Motion to Exclude the Expert Report and Testimony of James Andrews (ECF No. 38), and Plaintiff's response thereto (ECF No. 39), and for the reasons set forth in the memorandum filed concurrently with this Order, **IT IS HEREBY ORDERED** that:

- 1) Defendant's Motion is **DENIED IN PART**. Mr. Andrews qualifies as an expert, his opinions are based on specialized knowledge and reliable methodology and are relevant to the breach of contract and substantive due process claims, (Am. Compl., ECF No. 11, Counts I, III-IV), and are not misleading, confusing or unfairly prejudicial. He may testify with respect to the requirements of HIPAA and Defendant's confidentiality and privacy policies.
- 2) Defendant's Motion is **GRANTED IN PART**. Mr. Andrews is precluded from opining that Defendant violated HIPAA or its confidentiality and privacy policies. He may not opine on any ultimate legal question for the fact-finder.

BY THE COURT:

/s/ Lynne A. Sitarski
LYNNE A. SITARSKI
United States Magistrate Judge